



City of Norfolk

Office of the City Manager

July 20, 2004

To the Honorable Council
City of Norfolk, Virginia

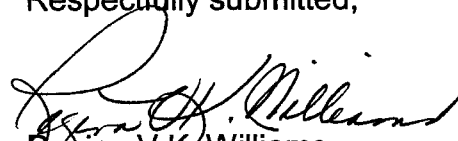
RE: Amendment to Cox Cable Hampton
Roads, Inc. Franchise Agreement to
Extend the Term to December 31, 2004

Lady and Gentlemen:

The attached Resolution authorizes the adoption of an amendment to the Cox Cable Hampton Roads, Inc. Franchise Agreement to extend the term of the franchise through December 31, 2004 in order to continue franchise renewal discussions.

Recommendation: Adopt Resolution

Respectfully submitted,


Regina V.K. Williams
City Manager

R-6

form and Correctness Approved:

Contents Approved:

By Martha P. McGowan
Office of the City Attorney

NORFOLK, VIRGINIA

By Henry J. Janssen
DEPT. Executive

Resolution

A RESOLUTION AUTHORIZING THE AMENDMENT OF A CABLE TELEVISION FRANCHISE BETWEEN THE CITY AND COX CABLE HAMPTON ROADS, INC. TO EXTEND THE TERM OF THE FRANCHISE TO DECEMBER 31, 2004.

WHEREAS, on or about July 25, 1989, the City of Norfolk, Virginia ("City") granted a Cable Television Franchise ("Franchise") to Cox Cable Hampton Roads, Inc. ("Cox").

WHEREAS, pursuant to Section 47 U.S.C. §546(a) Cox provided notification to the City of Cox's intent to seek renewal of the Franchise under 47 U.S.C. §546(a-g).

WHEREAS, pursuant to Section 47 U.S.C. § 546(a) the City and Cox properly commenced franchise renewal proceedings.

WHEREAS, the City and Cox, pursuant to 47 U.S.C. §546(h), are currently conducting franchise renewal negotiations informally in an attempt to reach a mutually acceptable franchise agreement.

WHEREAS, the City and Cox are interested in continuing informal discussions and negotiations regarding franchise renewal and desire to further extend the current franchise term from August 24, 2004 to December 31, 2004.

WHEREAS, both the City and Cox desire to expressly reserve all of their respective rights under state and federal law.

WHEREAS, the City and Cox continue to be governed by the formal renewal process pursuant to 47 U.S.C. §546(a-g) and nothing contained herein shall in anyway diminish either party's rights under the formal renewal process.

BE IT RESOLVED by the Council of the City of Norfolk:

Section 1:- That the Amendment to the Franchise, a copy of which is attached hereto as Exhibit A, is hereby approved.

Section 2:- That the City Manager is authorized to enter into such Amendment on behalf of the City, subject to approval by the City Attorney as to the Amendment's form and correctness, and to do all things necessary and proper to carry out its provisions.

Section 3:- That the City Manager is further authorized to correct, amend or revise such Amendment as she may deem appropriate to carry out the intentions of the Council.

Section 4:- That this resolution shall be in effect from and after its adoption.

EXHIBIT A

**AMENDMENT NUMBER ONE TO FRANCHISE
AGREEMENT BETWEEN THE CITY OF NORFOLK
AND COX CABLE HAMPTON ROADS, INC.**

This AMENDMENT made this ____ day of _____, 2004 between the City of Norfolk, Virginia, a municipal corporation chartered by the Commonwealth of Virginia (the "City") and COX CABLE HAMPTON ROADS, INC ("Cox") amends the Cable Franchise Agreement granted to Cox dated July 25, 1989 ("Franchise").

WITNESSETH

Pursuant to Section 4.04 of the Franchise, the Franchise is hereby amended by extending the term of the Franchise from August 24, 2004 through and including December 31, 2004.

Except as specifically modified hereby, the Franchise shall remain in full force and effect.

CITY OF NORFOLK

By: _____
City Manager

ATTEST:

City Clerk

COX CABLE HAMPTON ROADS, INC.

By: _____

Title: _____

CONTENTS APPROVED:


Assistant City Manager

FORM AND CORRECTNESS APPROVED:

Deputy City Attorney